

LAW OFFICES

ROSENBERG, KLEIN & LEE
CHARTERED**RECEIVED**
CENTRAL FAX CENTER**JUN 02 2008**

3458 ELLICOTT CENTER DRIVE

ELLICOTT CITY, MARYLAND 21043

PHONE (410)-465-6678 OR (410)-465-MORT

TELEFAX (410)-461-3067

EMAIL: rkl@rklpatlaw.com

PATENT, TRADEMARK & COPYRIGHT MATTERS

DATE: 2 June 2008TIME SENT: A.M./P.M. 4:05TOTAL PAGES (INCLUDING COVER SHEET): Twenty-Two (22)ATTENTION: **Petitions Examiner: Karen Creasy / Office of Petitions Examiner**

TO: U.S. Patent and Trademark Office

TO FAX NUMBER: 1-571-273-8300

TRANSMITTING FROM:

ROSENBERG, KLEIN & LEE

Facsimile Number: 410-461-3067

Telephone Number: 410-465-6678

OUR DOCKET NO: MR1035-1111/CIP APPLICATION SERIAL NO: 10/667.341**PLEASE NOTIFY US AT ONCE IF NOT RECEIVED PROPERLY.**

ADDITIONAL COMMENTS:

FORMAL COMMUNICATION FOR ENTRY

Forwarded is a Request for Reconsideration of Petition and supporting: Declaration of June Y. Lee (with Exhibits A-D); and, Declaration of Marie Hsu (with Exhibits 1-2) regarding the Petition to Revive an Unintentionally Abandoned Patent Application filed on 28 June 2007 which has been dismissed in the Decision on Petition dated 31 January 2008, for filing and processing.

MJR/tea
attachmentMorton J. Rosenberg
Registration No. 26,049

MR1035-1111/CIP

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kuo-Tseng Lin : ATTENTION:
Serial No: 10/667,341 : OFFICE OF PATENT
Filed : 23 September 2003 : PETITIONS
Title : EYEGLASSES ASSEMBLY WITH : KAREN CREASY
REPLACEABLE PAD : PETITIONS EXAMINER

**REQUEST FOR RECONSIDERATION OF PETITION
FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Mail Stop Petition
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant, by the undersigned Attorneys, hereby requests Reconsideration of the Petition to Revive an Unintentionally Abandoned Patent Application filed on 28 June 2007 which has been dismissed in the DECISION ON PETITION dated 31 January 2008. Attached to this Petition are the following papers:

1. Declaration of Jun Y. Lee, Esq., an Attorney in the firm of Rosenberg, Klein & Lee, Attorneys of Record, explaining the circumstances associated with the prosecution of the above-referenced Patent Application, during the time that the Patent Application was "pending" at the U.S. Patent and Trademark Office, and further circumstances surrounding the transmittal of all papers to the Primary Attorneys in Taiwan, R.O.C. with regard to the Restriction Requirement which was not answered; and,
2. A Declaration by a representative of World Patent & Trademark Law Office (which also does business as World Commercial Consultation Company) having an address at

MR1035-1111/CIP
Serial Number: 10/667,341
Request responsive to Decision on Petition filed 31 January 2008

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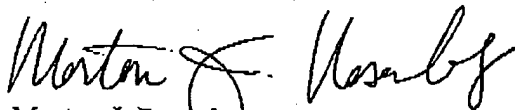
JUN 02 2008

12F-1, No. 311, Sec. 4, Chung Hsiao E. Rd., Taipei 106, Taiwan, R.O.C., who are the Taiwan, R.O.C. Primary Attorneys of the Applicant, Kuo-Tseng Lin, and the Assignee Corporation, Gazelle Corporation, whose Assignment was filed at the U.S. Patent and Trademark Office on Reel 14545/Frame 509.

It is believed that the Declarations provide explanation as to why the entire delay has been unintentional.

It is respectfully requested that this Request for Reconsideration be granted.

Respectfully submitted,



Morton J. Rosenberg
Registration #26,049

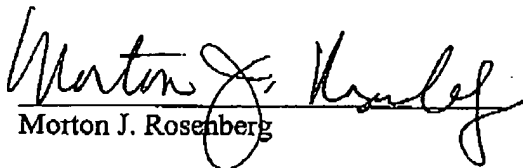
Dated: *2 June 2008*

Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410)465-6678
Customer No. 04586

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Office of Patent Petitions, Karen Creasy Petitions Examiner, facsimile number 571-273-8300 on the date shown below.

2 June 2008
Date



Morton J. Rosenberg

MR1035-1111/CIP

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JUN 02 2008

Applicant: Kuo-Tseng Lin : ATTENTION:
Serial No: 10/667,341 : OFFICE OF PATENT
Filed : 23 September 2003 : PETITIONS
Title : EYEGLASSES ASSEMBLY WITH : KAREN CREASY
REPLACEABLE PAD : PETITIONS EXAMINER

**DECLARATION OF JUN Y. LEE IN SUPPORT OF REQUEST FOR
RECONSIDERATION OF PETITION FOR REVIVAL OF APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY**

Mail Stop Petition
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Jun Y. Lee, hereby declare as follows:

1. That I am an Attorney in the Law Firm of Rosenberg, Klein & Lee, having an address at 3458 Ellicott Center Drive, Suite 101, Ellicott City, Maryland 21043;
2. That on or about 22 September 2003, the Law Firm of Rosenberg, Klein & Lee received an order letter from the Primary Attorneys in Taiwan, namely, World Patent & Trademark Law Office, also doing business as World Commercial Consulting Company, having an address at 12F-1, No. 311, Sec. 4, Chung Hsiao E. Rd., Taipei 106, Taiwan, R.O.C., indicating that a Continuation-in-Part Application relating to the above-referenced subject matter be filed prior to 24 September 2003 (Exhibit A);
3. That the above-referenced Patent Application was filed at the U.S. Patent and Trademark Office on 23 September 2003, as is evidenced by the records of the USPTO;

MR1035-1111/CIP
Serial Number: 10/667,341
Responsive to Decision on Petition filed 31 January 2008

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4. That a Restriction Requirement Official Action mailed from the U.S. Patent and Trademark Office on 22 November 2004 was received in the offices of Rosenberg, Klein & Lee on or about 24 November 2004 (Exhibit B);
5. That a notification letter was prepared and sent to Mr. Tom Lin (Patent Attorney) at World Commercial Consultation Company having an address at 12F-1, No. 311, Sec. 4, Chung Hsiao E. Rd., Taipei 106, Taiwan, R.O.C. on 24 November 2004, along with a copy of the Official Action. The letter identified the Official Action and the Response due date of 22 December 2004 (redacted copy attached as Exhibit C);
6. That on the same date, a fax transmission was sent to Mr. Tom Lin, Patent Attorney at World Commercial Consultation Company, including the notification letter of 24 November 2004, as well as a copy of the Official Action. A copy of the Facsimile receipt page showing proper transmission is included as Exhibit D;
7. That it was the established policy between World Commercial Consultation Company and the Firm of Rosenberg, Klein & Lee that the Firm make no Response to any outstanding final Office Action without specific prior authorization to do so;
8. That based upon a course of dealing between World Commercial Consultation Company and Rosenberg, Klein & Lee in numerous other cases, where no specific authorization has been given by the reply due date, the Firm was to close the file and take no further action in the particular case unless subsequently instructed by World Commercial Consultation Company to do otherwise;
9. That no further communication from the client authorizing a Response to the Official Action was received with regard to a response in this case and thus, no Response was filed by this Firm;

MR1035-1111/CIP

Serial Number: 10/667,341

Responsive to Decision on Petition filed 31 January 2008

10. That there are no further papers in the files of the firm of Rosenberg, Klein & Lee relating to authorization to respond, nor abandonment, of the Application.

Respectfully submitted,
FOR: ROSENBERG, KLEIN & LEE



Jun Y. Lee
Registration #40,262

Dated: 5/27/2008

Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
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WORLD
PATENT & TRADEMARK
LAW OFFICE

12F-1, NO. 311, CHUNG HSIAO E. RD.,
SEC. 4, TAIPEI 106, TAIWAN, R.O.C.

TEL:886(2)2771-2403 FAX:886(2)2731-1171

http://www.wpto.com.tw e-mail:wpto@ms11.hinet.net

Sep. 17, 2003

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER
DRIVE-SUITE 101 ELLICOTT CITY,
MARYLAND 21043 U.S.A

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JUN 02 2008

VIA Fax and E-mail

+410-461-3067

Attn.: Mr. Morton J. Rosenberg

Re: Proceed with filing CIP application
Official due: Sep. 24, 2003
Title: Eyeglasses assembly with replaceable pad
Your Ref.:MR1035-1111
Our Ref.:IAM02274CIP

Dear Mr. Rosenberg;

Refer to a request, the applicant has instructed us to file a CIP application to continue the further action directed to the above-mentioned patent application.

We enclose herewith specification, claims and drawings for your filing work.

Please proceed with filing the CIP application before Sep. 24, 2003. We will send to you that Declaration and Assignment deed for patent application be signed by the applicant via courier.

Please file patent application as soon as possible, thank for your cooperation.

If you have any question or comment, do not hesitate to contact us.

Please acknowledge receipt of this letter by fax or e-mail.

Regards,

Tom Lin

Patent Attorney

Tom LIN

Enclosure, Specification, claims and drawings.

tako@wpto.com.tw



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,341	09/23/2003	Kuo-Tseng Lin	MR1035-1111/CIP	3400

4586 7590 11/22/2004

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

DANG, HUNG XUAN

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 11/22/2004

COPY

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,341

Applicant(s)

LIN, KUO-TSENG

Examiner

Hung X Dang

Art Unit

2873

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/23/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

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Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

JUN 02 2008

Application/Control Number: 10/667,341
Art Unit: 2873

Page 2

Restriction/Election

This application contains claims directed to the following patentably distinct species of the claimed invention:

- I. Claims 1-9, drawn to the eyeglass frame with a soft pad place inside of the frame, classified in Class 351, subclass 62.
- II. Claims 10-16, drawn rimless with soft pad place inside of the lens, classified in Class 351, subclass 110.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

Application/Control Number: 10/667,341

Page 3

Art Unit: 2873

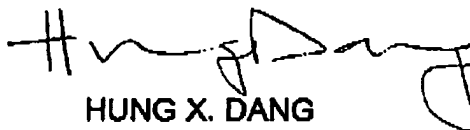
showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

2. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

11/04



HUNG X. DANG

PRIMARY EXAMINER

TECHNICAL CENTER 2800

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JUN 02 2008

LAW OFFICES

ROSENBERG, KLEIN & LEE
CHARTERED

MORTON J. ROSENBERG
DAVID I. KLEIN
JUN Y. LEE
HARRY L. SERNAKER

PATENT AGENTS
DAVID R. WOOD

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PATENT, TRADEMARK & COPYRIGHT MATTERS

PATENT RESEARCH
SPECIALISTS

JOHN V. PRESTIA
RAYMOND J. DUDEK
EVA BURDMAN
MORGAN D. ROSENBERG
RUSSELL SCHUMANN
KEVIN PHIPPS

VIA FACSIMILE TRANSMISSION
CONFIRMATION BY MAIL

November 24, 2004

MR1035-111-CIP

Mr. Tom Lin
World Commercial Consultation Co.
12F-1, No. 311, Sec. 4, Chung Hsiao E. Rd.
Taipei 106, Taiwan, R.O.C.

Re: Patent Application Prosecution/Office Action
Country: United States of America
Serial Number: 10/667,341
Title: EYEGLASSES ASSEMBLY WITH REPLACEABLE PAD
Your Reference: IAM02274CIP

Dear Mr. Lin:

We have now received a first Office Action from the U.S. Patent and Trademark Office directed to the above-referenced Patent Application. The Office Action was mailed on 22 November 2004, and we have one (1) month to respond through and including 22 December 2004.

Claims 1-16 have been filed in this case, and these Claims are now "pending."

The Examiner has imposed a restriction requirement in this case, requiring election between the following perceived Species of the invention:

Mr. Tom Lin
November 24, 2004
Page 2

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- I. Claims 1-9, drawn to an eyeglass frame with a soft pad placed inside the frame; and,
- II. Claims 10-16, drawn to rimless eyeglasses with a soft pad placed inside the lens.


In response to this restriction requirement, an election from one of these listed Species I and II must be made for prosecution in this case. If a Claim generic to both Species is eventually found allowable in this case, those Claims corresponding to the non-elected Species may also be allowed. For now, however, an election of one Species to prosecute in this case must be made. Of course, the option of pursuing a separate Divisional Application on the Claims for the non-elected Species remains available to Applicant while this case remains pending.

As you are aware, Examiners are given much discretion in matters such as these. An election from the listed Species must be made, therefore, even if we were to disagree with the Examiner's basis for restriction.

If you wish us to respond to this outstanding Office Action, we estimate our legal services to approximate [REDACTED]. Further, if you wish us to respond, please inform us as soon as possible.

Because the Examiner has set just a one month period for reply, we are both faxing and mailing you a copy of the restriction requirement. We shall be awaiting your prompt response.

Best regards,
For: ROSENBERG, KLEIN & LEE


Jun Y. Lee

enclosure

***** -COMM. JOURNAL- ***** DATE NOV-24-2004 ***** TIME 17:24 *****

MODE = MEMORY TRANSMISSION

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END=NOV-24 17:24

FILE NO.-896

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-ROSENBERG KLEIN AND LEE -

- ***** -

410 461 3067- *****

LAW OFFICES

MORTON J. ROSENBERG
DAVID I. KLEIN
JUN Y. LEE
HARRY L. SERNAKER

PATENT AGENTS
DAVID R. WOOD

ROSENBERG, KLEIN & LEE
CHARTERED

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ELLICOTT CITY, MARYLAND 21043

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PATENT, TRADEMARK & COPYRIGHT MATTERS

PATENT RESEARCH
SPECIALISTS

JOHN V. PRESTIA
RAYMOND J. DUDER
EVA BURDMAN
MORGAN D. ROSENBERG
RUSSELL SCHUMANN
KEVIN PHIPPS

**VIA FACSIMILE TRANSMISSION
CONFIRMATION BY MAIL**

November 24, 2004

MR1035-111-CIP

Mr. Tom Lin
World Commercial Consultation Co.
12F-1, No. 311, Sec. 4, Chung Hsiao E. Rd.
Taipei 106, Taiwan, R.O.C.

Re: Patent Application Prosecution/Office Action
Country: United States of America
Serial Number: 10/667,341
Title: EYEGLASSES ASSEMBLY WITH REPLACEABLE PAD
Your Reference: IAM02274CIP

Dear Mr. Lin:

We have now received a first Office Action from the U.S. Patent and Trademark Office directed to the above-referenced Patent Application. The Office Action was mailed on 22 November 2004, and we have one (1) month to respond through and including 22 December 2004.

Claims 1-16 have been filed in this case, and these Claims are now "pending."

The Examiner has imposed a restriction requirement in this case, requiring election between the following perceived Species of the invention:

MR1035-1111/CTP

JUN 02 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kuo-Tseng Lin : ATTENTION:
Serial No: 10/667,341 : OFFICE OF PATENT
Filed : 23 September 2003 : PETITIONS
Title : EYEGASSES ASSEMBLY WITH : KAREN CREASY
REPLACEABLE PAD : PETITIONS EXAMINER

**DECLARATION OF MARIE HSU IN SUPPORT OF REQUEST FOR
RECONSIDERATION OF PETITION FOR REVIVAL OF APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY**

Mail Stop Petition
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Marie Hsu, hereby declare as follows:

1. That I am an employee of World Patent & Trademark Law Office, also doing business as World Commercial Consulting Company, having an address at 12F-1, No. 311, Sec. 4, Chung Hsiao E. Rd., Taipei 106, Taiwan, R.O.C. ("World");

2. That my title at World is, and was during the relevant time periods in this matter, overseas affairs specialist;

3. That in my capacity as overseas affairs specialist, I oversee Patent prosecution matters entrusted by World on behalf of our Clients to law firms in the United States, including the Firm of Rosenberg, Klein & Lee ("RKL");

4. That our Office, World, did receive from RKL the notification letter (addressed to Mr. Tom Lin of our Office) via facsimile transmission on November 25, 2004 (Taiwan date), along with a copy of the Restriction Response Official Action of November

MR1035-1111/CIP

Serial Number: 10/667,341

Responsive to Decision on Petition filed 31 January 2008

22, 2004;

5. That in accordance with our office policy, the notification letter was promptly brought to my attention for translation into Mandarin Chinese before transmittal to our Client (Gazelle Corporation, the Assignee of the above-referenced Patent Application);

6. That I did in fact prepare a prompt written translation of the RKL notification letter into Mandarin Chinese and forwarded to the individual in our Office, Ms. Chin-Ping Yu, who at the time served as the contact person for this particular Client (a redacted copy of the fax notification attached as Exhibit 1; an English translation of this fax notification and translation verification are attached as Exhibit 2);

7. That Ms. Chin-Ping Yu faxed the translated notification to our Client on November 26, 2004, specifically addressed to Mr. Ching-An Liu, Vice Manager of Gazelle Corporation;

8. That our notification to the Client indicated the reply due date of December 22, 2004 and requested specific authorization and instruction for responding to the November 22, 2004 Official Action;


9. That the Client's authorization would have been provided by Mr. Ching-An Liu to Ms. Chin-Ping Yu of our Office, along with instructions as to the Species to elect in response to the Restriction Requirement;

10. That our Office did not have general authorization from the Client to proceed with a response to any Official Action without specific authorization from the Client; and, that in the absence of such specific authorization (after notification), our policy was to close the file and take no further action unless subsequently instructed by the Client to do otherwise;

MR1035-1111/CIP
Serial Number: 10/667,341
Responsive to Decision on Petition filed 31 January 2008

11. That any authorization and instruction from the Client in this case would have been communicated to me by Ms. Chin-Ping Yu for transmission in English to RKL for further handling;
12. That Ms. Chin-Ping Yu transmitted no such authorizing communication in this matter to me or anyone in our Office reporting to me;
13. That Ms. Chin-Ping Yu left our Office some time in January 2005;
14. That it was not until some time in June 2007 when Mr. Ching-An Liu inquired of our Office as to the status of the subject Patent Application that we learned of the Client's misunderstanding that the Application was still pending, and that they had given authorization to World for response to the November 22, 2004 Official Action;
15. That Mr. Ching-An Liu is now of the expressed believe that he had communicated the authorization to Ms. Chin-Ping Yu on or about December 22, 2004, although he could not specifically recollect the mode of communication nor could find any written documentation of the communication after a comprehensive search of his records;
16. That a subsequent search of World's file for this case turned up no such written documentation, nor documentation of any subsequent communication between either World and the Client or World and RKL regarding this case;
17. That following investigation of this matter, and at the urgent request of the Client, we promptly communicated to RKL the Client's instruction to Petition for Revival of this Application in June 2007.

Respectfully submitted,


Marie Hsu

世界法律事務所
世界專利商標事務所

九如股份有限公司

劉景安 副理惠鑒：

Via FAX: 6 pages (8797-3350)

事由：美國發明專利請求分案通知

案件名稱：具有可更換式內襯墊之眼鏡結構

本所編號：IAM02274CIP

申請日：2003/9/23

官方期限：2004年12月22日

承蒙惠顧、賜教，無任感荷！前承 貴公司委辦之美國發明專利『具有可更換式內襯墊之眼鏡結構』申請案，本所頃接獲國外代理人來函，特此報告。本本案業經審查後，美國專利商標局於日前再發出請求分案通知，隨函附上副本一份，敬請查收。

依美國專利法規定，若審查委員認為發明請求項中不止一個發明，即違反專利單一性規定，將被請求分案申請，需依其指示選出本案欲保留的請求項，而剩下的請求項，可由申請人放棄，或是再提出分案申請，其費用與提出一新的發明申請案相同，而其分案之申請可享有與原案同一天之申請日(即2003/9/23)。

本案依審查委員指示其包含二發明分別為：(一)第一組發明：請求項第1~9項；(二)第二組發明：請求項第10~16項，需請就官方指示進行辦理，如僅選擇其中一組發明繼續進行辦理，相關費用NT\$ (含稅)，如欲將其中一組發明再提出分案申請相關費用共計NT\$ (未稅、含轉讓費)，優惠價格NT\$ (未稅、含轉讓費)。

本案期限為2004年12月22日，為利案件進行謹請於2004年12月3日前以書面回覆本所，如逾官方期限未收到 貴公司回覆並經本所確認，將視為自動放棄辦理該案，特先陳明。

盼諸前述情事， 貴公司如有任何疑問，謹請不吝與本所聯繫，未能登門拜訪，不恭之處，尚希見諒，並請時賜指南，以匡不逮。



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*爲免將來發生責任歸屬問題，請於“同意”或“放棄”處簽署承辦人大名及日期並回傳本所，謝謝！

- ☐ 同意選擇第一組發明 (claim 1~9) 繼續辦理，費用 NT \$ [REDACTED] (含稅)
- ☐ 同意選擇第二組發明 (claim 10~16) 繼續辦理，費用 NT \$ [REDACTED] (含稅)
- ☐ 同意將其中一組發明提出分案申請，優惠費用 NT \$ [REDACTED] (未稅)
- ☐ 放棄本案。

簽名：_____ 日期：_____

此 順頌
商祺

專利代理人：林火泉
承辦人：余炎坪 敬上

中 華 民 國 九 十 三 年 十 一 月 二 十 六 日



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I, Marie Hsu of World Patent and Trademark Law firm do hereby state that I am a translator competent in the Chinese and English languages and that to the best of my knowledge and belief, the attached document is an accurate and complete translation of the Office Action reporting letter of U.S. patent application no.: 10/667,341 as originally sent to our client dated November 26, 2004.

Signature

Date

May 27, 2008



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Gazelle Corporation

Mr. Ching-An Liu

Via FAX: 6 pages (8797-3350)

Re: U.S. Patent Application Restriction Requirement Notice

Title: EYEGASSES ASSEMBLY WITH REPLACEABLE PAD

Our Ref.: IAM02274CIP

Application Date: 2003/9/23

Official Due date: 2004/12/22

Thank you for your entrusting the United States patent application

「EYEGASSES ASSEMBLY WITH REPLACEABLE PAD」 filing to our firm. We received a notification from our foreign attorney concerning a restriction requirement. Attached an official action duplicate for your reference.

According to U.S. Patent Laws, if a utility application lacks of unity, a restriction requirement will follow and the applicant must make an election among pending claims. Un-elected claims will be abandoned or applicant may file a divisional application of un-chosen claims. A divisional application will be treated as a new application with parent application's filing date, namely September 23, 2003.

The Office Action states that the application contains claims directed to the following patentably distinct groups: (1) Group I: Claims 1-9, (2) Group II: Claims 10-16. To proceed with election, our service fee is _____ (tax included), our service fee for a divisional application is _____ (tax excluded, assignment included) and we will provide you a special price of _____ (tax excluded, assignment included).

The official due date is December 22, 2004. Please kindly respond us in writing before December 3, 2004. If we did not hear from you before official due date with our confirmation. The application will go lapse.

If you have any questions of above-mentioned matters. Please do not hesitate to contact us. Please also forgive us for not visiting you recently. It is also very welcome to receive your comments on our firm.



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* To prevent possible dispute, please kindly check "agree" or "abandon" with your signature and date. Please fax back to our firm, thank you!

- ☐ Agree to elect Group I (Claim 1-9) to proceed with this application,
Service fee _____ (tax included)
- ☐ Agree to elect Group II (Claim 10-16) to proceed with this application,
Service fee _____ (tax included)
- ☐ Agree to file other group as divisional application, special offer _____
(tax excluded)
- ☐ Abandon the application

Signature: _____ Date: _____

Best regards,

Patent Attorney Tom Lin

Contact Person Chin-Ping Yu

Republic of China Year 93 Month November Day 26th.

EXHIBIT 2